

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

PROPOSAL TO AMEND THE LOCAL RULES

The full Court met in executive session on Thursday, March 29, 2001, and approved a proposal to amend LR77.2 of the Civil Rules of this Court as follows (additions shown thus, and deletions shown ~~thus~~):

LR77.2. Emergencies; Emergency Judges

(a) Definitions. For the purpose of these rules—

(1) “Emergency judge” means the judge assigned to perform the duties of emergency judge specified by any local rule or procedure adopted by the Court,

(2) “Emergency magistrate judge” means the magistrate judge assigned to perform the duties of emergency magistrate judge specified by any local rule or procedure adopted by the Court, and

(3) “Emergency matter” means a matter of such a nature that the delay in hearing it that would result from its being treated as any other matter would cause serious and irreparable harm to one or more of the parties to the proceeding provided that requests for continuances or leave to file briefs or interrogatories in excess of the limits prescribed by these rules will normally be entertained as emergency matters

only during the summer sessions, and

(4) “Summer sessions” means the ten week period ending on the Sunday before the second Monday in September.

(b) Duties of Emergency Judge. The emergency judge is responsible for hearing all emergency matters ~~not previously assigned to a judge of this Court~~ that arise outside of the regular business hours of the Court.

During regular office hours ~~other than in the summer session~~, the emergency judge will ~~not~~ hear emergency matters arising out of the cases assigned to the calendar of another judge where that judge is ~~not~~ sitting. **The emergency judge will not hear emergency matters arising during regular office hours when the assigned judge is sitting,** except on approval of the chief judge at the request of the judge to whom the case is assigned. The emergency judge will also hear the following matters or preside at the following ceremonies:

(1) petitions for admission brought by attorneys wishing to be admitted to practice before the Court;

(2) requests for review or de novo determinations of matters directly assigned to the duty magistrate brought pursuant to LCrR50.4;

(3) petitions presented by the United States Immigration and Naturalization Service;

(4) ceremonies for the mass admission of attorneys to the bar of this Court; and

(5) ceremonies for the administration of the oath of allegiance to newly naturalized citizens.

(c) Duties of Emergency Magistrate Judge. The emergency magistrate judge is responsible for hearing any emergency matter arising in a case referred or assigned to a magistrate judge where that magistrate judge is not sitting.

(d) Western Division. A party in a case filed in or to be filed in the Western Division with an emergency matter should first contact the Western Division judge, or in that judge's absence, the Western Division magistrate judge. If neither can be reached, then the emergency judge is authorized to handle the matter.

Committee Comment. ~~In general, matters are to be presented to the judge to whom the case is assigned. Under procedures adopted by the Court, if a judge anticipates being absent temporarily, that judge will designate another judge to hear the absent judge's call. The name of the designated judge is posted on the door of the courtroom regularly used by the absent judge. It is also likely to be listed in the Chicago Daily Law Bulletin.~~

If both the assigned judge and the ~~If the absent judge did not designate another judge or where both the absent judge and the designated judge are unavailable, an emergency matter can then be taken before the emergency judge. If the emergency judge should also be unavailable, the matter can be brought to the attention of the chief judge. The chief judge is the chairperson of the Executive Committee, the Court's calendar committee. In that role the chief judge can instruct the parties as to which judge should hear the matter.~~

While emergency matters arising outside of regular business hours are rare, it is not unusual that a party can anticipate that happening. An example is ongoing negotiations which, if they do not reach agreement, will lead one of the parties to seek injunctive relief and the negotiations must be concluded by a point in time that lies outside of regular business hours, e.g., midnight on a Saturday. In such instances the party should make every effort to contact the chambers of the emergency judge and inform staff of the potential emergency. In this way arrangements can be made that will give greater assurance that the emergency judge will be available in the event that the emergency matter does in fact occur. If an emergency matter occurs outside of regular business hours and the party has not made prior arrangements with the emergency judge, a telephone number is published in the Chicago Daily Law Bulletin for contacting a member of the staff of the emergency judge. [That number is currently (312) 514-9622.]

COMMENT: The proposed modification would eliminate any distinctions in the duties of the emergency judge which depend upon (1) the time of the year and (2) whether the “buddy judge” of the assigned judge is sitting.

By direction of the full Court and pursuant to 28 U.S.C. §207(b) regarding appropriate public notice and opportunity for comment, the Clerk is directed to: (a) cause the proposal to amend Local Rule 77.2 to be posted in the Courthouses at Chicago and Rockford, (b) cause notice of the proposal and requests for comment to be published in the *Chicago Daily Law Bulletin*, (c) cause notice of the proposal and requests for comment to be posted on the web site for the United States District Court Northern District of Illinois, (d) indicate in such notice a final date for receipt of comments, which date shall be sixty days from the first date of publication in the *Law Bulletin*, (e) collect and distribute among the members of the Advisory Committee for Local Rules all comments received, and (f) following receipt of a copy of the report and recommendation of the advisory committee to distribute copies of the comments together with copies of the report and recommendation among the members of the Court for consideration at a regular meeting of the full Court.

ENTER:

FOR THE COURT

Chief Judge

Dated at Chicago, Illinois this _____ day of April, 2001.